

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 62639-6-I
Respondent,)	
)	
v.)	DIVISION ONE
)	
GEORGE E. WOODRING, IV,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: August 24, 2009

PER CURIAM. George Woodring appeals the sentence imposed following his conviction of felony failure to register as a sex offender. He contends that the combination of 50 months confinement and 36-48 months of community custody exceeds the 60-month maximum sentence for his offense. Woodring contends we should remand for resentencing. Consistent with State v. Linerud, 147 Wn. App. 944, 197 P.3d 1224 (2008), the State conceded error.

After the State conceded error, our Supreme Court addressed the identical issue in In re Pers. Restraint of Brooks, No. 80704-3, 2009 WL 2182745 (Wash., July 23, 2009) holding that:

when a defendant is sentenced to a term of confinement and community custody that has the potential to exceed the statutory maximum for the crime, the appropriate remedy is to remand to the trial court to amend the sentence and explicitly state that the combination of confinement and community custody shall not exceed the statutory maximum.

Brooks, slip op. at 11-12. When clarified in this manner, a sentence does not exceed the statutory maximum and is not indeterminate or otherwise invalid. Brooks, slip op. at 11; see also State v. Sloan, 121 Wn. App. 220, 223, 87 P.3d 1214 (2004).

Accordingly, we accept the State's concession in part and remand this matter to the trial court solely for entry of an amended judgment and sentence in accordance with Brooks that expressly states the combination of confinement and community custody shall not exceed the statutory maximum.

Remanded.

For the court:

Becker, J.

Grosse, J.

Schneider, CT